

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOSHUA A. BAILEY,)	CASE NO. 5:21-cv-2154
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OPINION
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
DEFENDANT.)	

Before the Court is the report and recommendation of the magistrate judge in the above-entitled action, which was entered on October 24, 2022. (Doc. No. 16.) Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). On October 31, 2022, defendant Commissioner of Social Security advised this Court that she would not be filing any objections to the magistrate judge's report and recommendation. (Doc. No. 17.) The fourteen-day period for filing objections has now passed and plaintiff did not file any objections either. The failure to file written objections to a magistrate judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v.*

Arn, 728 F.2d 813, 814–15 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

The Court has reviewed the magistrate judge’s report and recommendation and adopts the same. Accordingly, the decision of the Commissioner of Social Security is VACATED, and the matter is REMANDED for further proceedings consistent with the report and recommendation.

IT IS SO ORDERED.

Dated: November 14, 2022



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE